

In the Drawings

The attached replacement and annotated sheet(s) of drawings include changes to FIGS. 12B, 18 and 19.

FIG. 12B has been amended to add the designations pFET and nFET.

FIG. 18 has been amended to add the designations 74', 76', 78' and 80'.

FIG. 19 has been amended to add the designations 153 and 155.

Attachment: Replacement sheet(s)
Annotated sheet(s) showing changes

REMARKS

The Office Action mailed February 3, 2006 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Drawings and Specification

The drawing figures and specification have been amended in order to address the objections raised under the heading "Drawings" in the Office Action. No new matter has been introduced. Approval of the drawing amendments is respectfully requested.

Canceled Claims

Claims 12 has been canceled without prejudice or disclaimer of the subject matter contained therein.

Rejection(s) Pursuant to Judicially-Created Double Patenting

Claims 12 and 66 were rejected pursuant to the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 3 and 35, and claim 12 has been canceled as a result. However, claims 66 and 35 are not duplicates, and neither claim has been canceled as a result. Withdrawal of the rejection is respectfully requested.

Rejection(s) Under 35 U.S.C. § 102

Claims 1-27, 29, 31-48, 54 and 56-72 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Goetting et al. (U.S. pat. no. 5,912,937¹; hereafter, "Goetting").

Claim 1, from which claims 2-13 depend, has been amended to clarify the application of the claimed fuse to configure an electronic circuit. Claim 14, from which claims 15-32 depend, has been similarly amended. By comparison, Goetting is directed to a flip-flop which is provided with non-volatile storage capability. A pre-stored bit is maintained in the flip-flop irrespective of normal flip-flop operational states. However, at certain times, the pre-stored bit can be recalled, for example for encryption purposes. There is no teaching that the flip-flop circuit of Goetting is applicable to a fuse provided to selectively configure a circuit in the manner claimed in the present application. It will be appreciated that, according to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102 only if each and every claim element is found, either expressly or inherently described, in a single prior art reference.² The aforementioned reasons clearly indicate the contrary, and withdrawal of the 35 U.S.C. § 102 rejection of claims 1-27, 29, 31 and 32 based on Goetting et al. is respectfully urged.

Claim 33, from which claims 34-57 depend, recites, *inter alia*, "a first nonvolatile memory element coupled between a reset node of the master-slave electronic fuse and first node of the master latch, and a second nonvolatile memory element coupled between the reset node and a second node of the master latch." The Office Action alleges that the claimed first and second nonvolatile memory elements read on cells 100A and 100B of Goetting, and that these cells are connected in the same manner as that claimed. Applicant respectfully disagrees. Cell 100A is not connected **between** the alleged reset node (gate of 208) and the node at the

¹ The Office Action mailed 2006-Feb-03, in page 3, line 2, cites a Goetting reference. That reference was given as USPN 6,529,407, incorrectly as it turns out. On 2006-Apr-14, patent attorney Gregory T. Kavounas telephoned Examiner Thomas J. Hiltunen, and they had a brief conversation. Examiner Hiltunen issued a verbal correction, namely that the reference should have been properly given instead as USPN 5,912,937, by the same inventor (Goetting). They agreed that the stated comments to the application made more sense that way. The undersigned patent attorney relies on this correction, and the present Amendment and Response is based on this correction. If that were not intended, the applicant respectfully requests a chance to reconsider the Office Action without prejudice.

intersection of 208 and 209. Rather, it is connected between ground and the node at the intersection of 208 and 209. Similarly, cell 100B is not connected **between** the alleged reset node (gate of 208) and the node at the intersection of 208 and 210. Rather, it is connected between ground and the node at the intersection of 208 and 210. Therefore even if the remaining allegations relating to the first and second nonvolatile memory elements were true, the manner in which the claimed nonvolatile memory elements are connected is not disclosed in Goetting. Goetting thus fails to teach every claimed limitations and cannot be considered an anticipating reference.

Claim 58, from which claims 59-72 depend, has been amended to recite that the “nonvolatile memory element comprising a MOSFET having a floating gate configured to receive charge by way of hot-electron injection, and further comprising a tunneling capacitor sharing said floating gate as a capacitor plate which is configured to lose charge by way of tunneling.” This feature is not disclosed in Goetting. In addressing the limitations of claims 65 and 66, the Office Action alleges that Goetting is “capable of” having its charge changed using Fowler-Nordheim tunneling. It will be appreciated that “capable of” is not the equivalent of actual disclosure as is required for anticipation, and in any case the Office Action does not substantiate this alleged capability of Goetting with any evidence or support. The “capable of” reasoning was applied to various other claims, and it is respectfully requested that any rejections based on such improper and unsupported grounds be withdrawn. Attention is specifically directed to claims 7, 9-11, 22, 24-26, 44, 46-48, 65-66, and 68-69.

Rejection(s) Under 35 U.S.C. § 103 (a)

Claims 28, 30, 51-52 and 55 were rejected under 35 U.S.C. § 103(a) as unpatentable over Goetting in view of Pascucci et al. (U.S. pat. no. 5,659,498; hereinafter, “Pascucci”). It will be recalled that according to the Manual of Patent Examining Procedure (M.P.E.P.),

² Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.³

Claims 28 and 30 depend from claim 14, which is patentable over Goetting at least for the reasons discussed above. Pascucci does not remedy the deficiencies of Goetting, even if properly combinable therewith, and claims 28 and 30 are therefore patentable over the combination of Goetting and Pascucci as well. Similarly, claims 51-52 and 55 depend from claim 33, which is patentable over Goetting at least for the reasons discussed above. Again Pascucci does not remedy the deficiencies of Goetting even if it were properly combinable with Goetting, and claims 51-52 and 55 are therefore also patentable over the combination of Goetting and Pascucci.

Claims 49-50 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Goetting in view of Caywood. The reference number for Caywood according to the Office Action is USPN 6,384,451. Applicant respectfully believes this reference is in error. For example, the Office Action recites Caywood as including a "Fig. 5" with elements 50, 30, etc. However, USPN 6,384,451 (to Caywood) does not have a Figure 5 (only 5a, 5b), neither of which includes elements 50, 30. Regardless, it is believed that the present amendment renders moot any such rejections. If the Examiner is of contrary opinion, the applicant respectfully requests a chance to reconsider the Office Action without prejudice.

³ M.P.E.P § 2143.

Newly-Added Claims

Claim 73 has been added to further particularly point out and distinctly claim the subject matter regarded as the invention.

Conclusion


In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-1698.

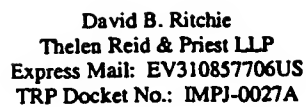
Respectfully submitted,
THELEN REID & PRIEST, L.L.P.

Dated: May 26, 2006

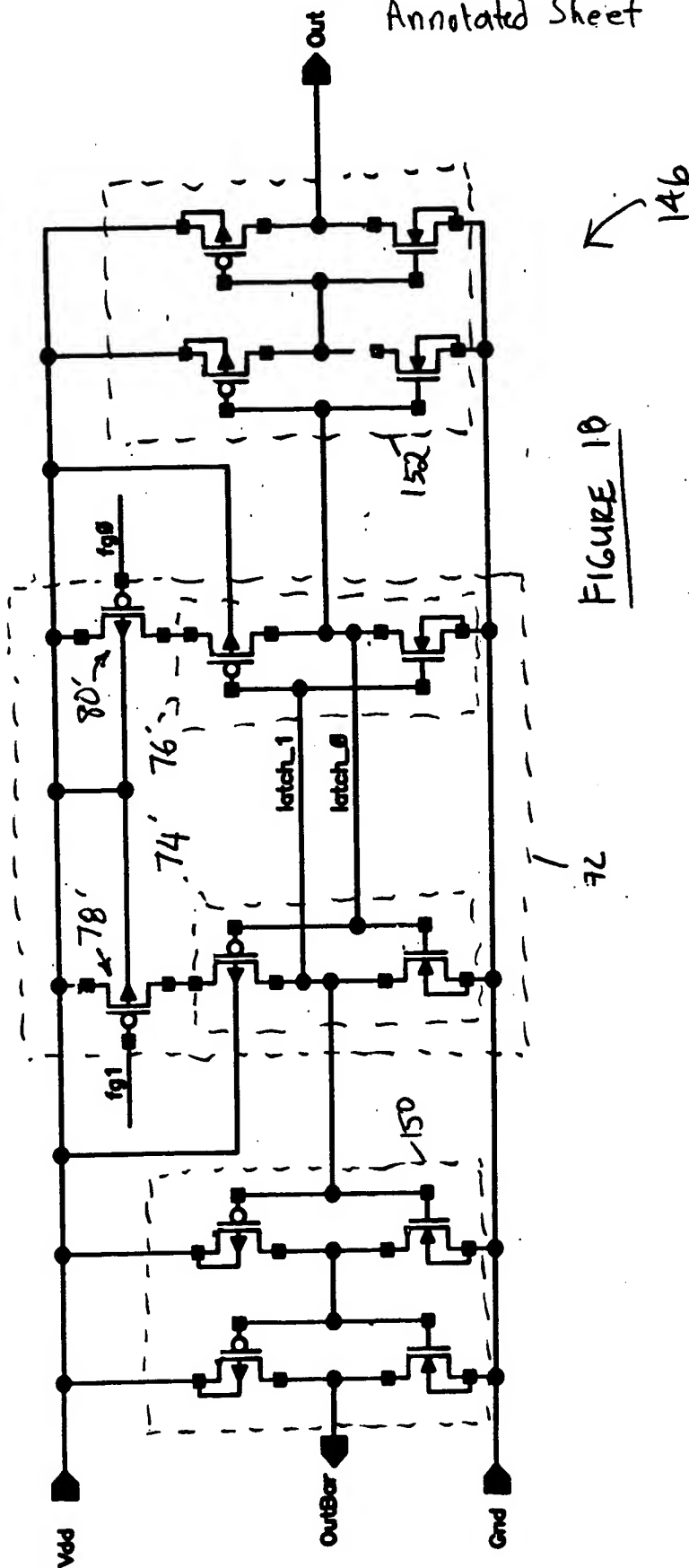


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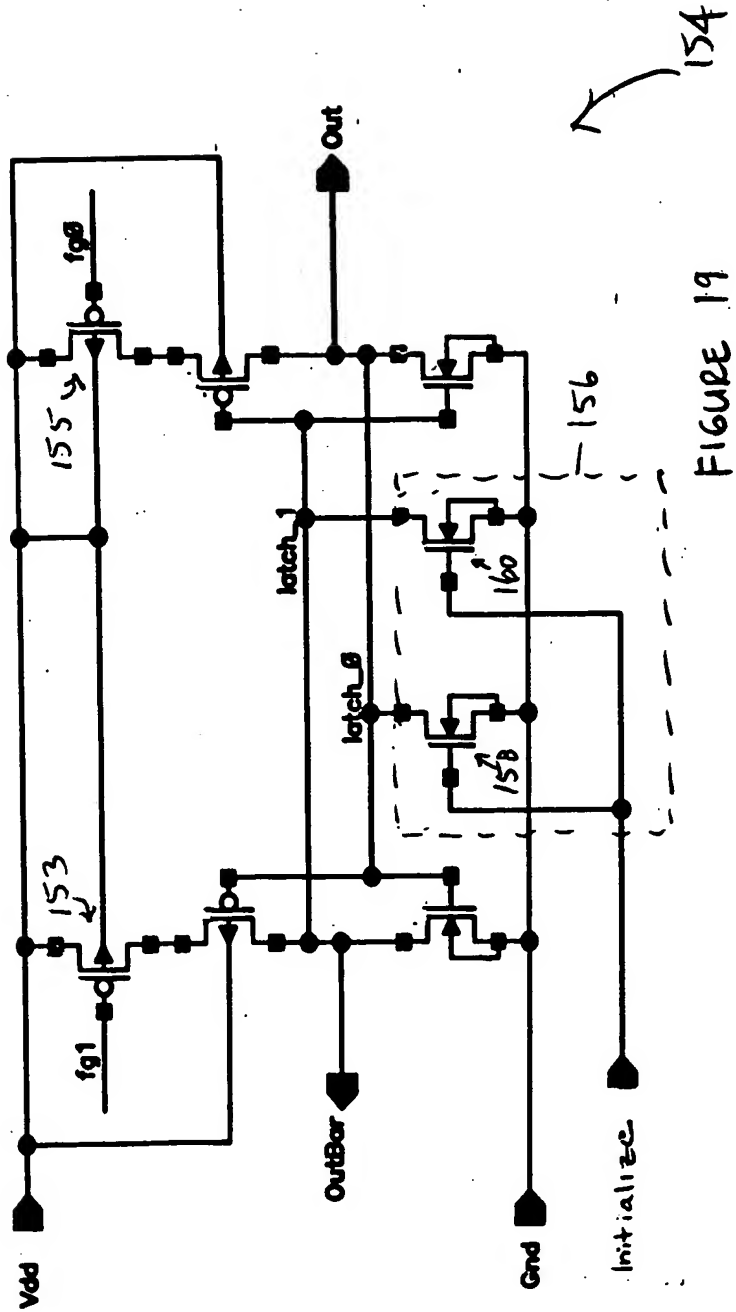
Annotated Sheet





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Annotated Sheet





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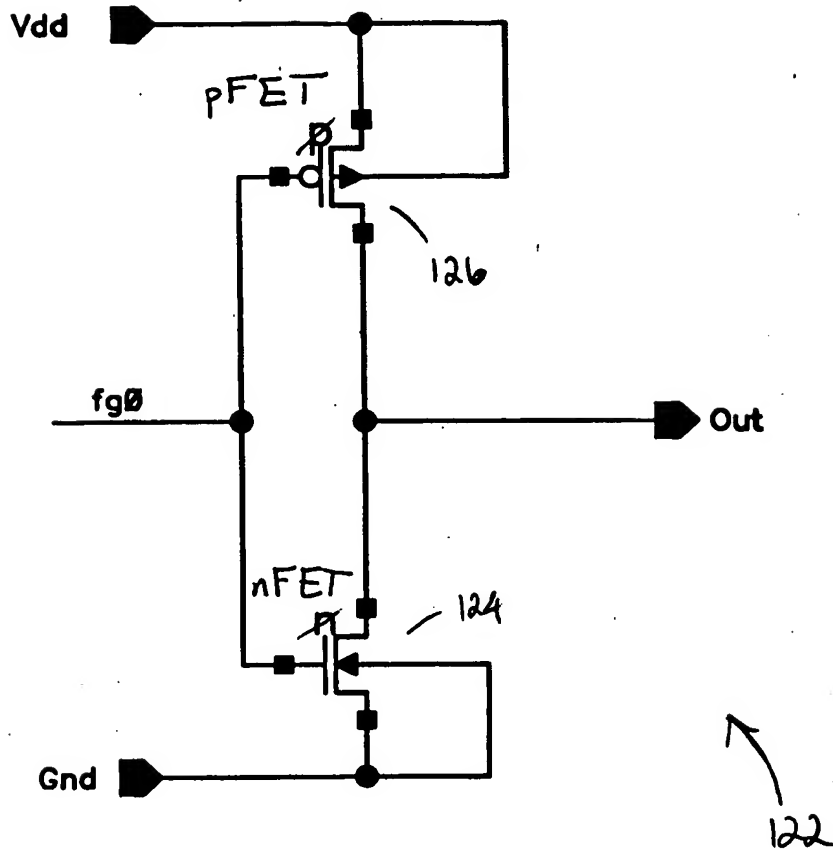


FIGURE 12B